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APR - 3 2008

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

1387

SHIRLEY V. REMMERT, PRO SE
990 Berkeley Avenue
Menlo Park, CA 94025
Tel: 650-921-8820
Message: 650-521-0571

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco

In Re Shirley V. Remmert

APPELLANT REMMERT'S
STATEMENT OF ISSUES AND
DESIGNATION OF THE RECORD TO
BE CERTIFIED AND SENT TO THE
CIRCUIT CLERK FOR RECORD ON APPEAL/ EXHIBIT A

RE APPEAL FROM BANKRUPTCY COURT
CASE NO. 07-31336TEC-13 & 07-3121 *sm*

HON. THOMAS E. CARLSON

I, Appellant Shirley V. Remmert, hereby file a statement of the issues to be presented on appeal and a designation of the record to be certified and sent to the circuit Clerk under (FRAP 6(B)(i) (Appeal in a Bankruptcy Case from a Final Order). Exhibit A reflects the recent procedural history of this matter.

I declare that the above statement is true and correct under the penalties for perjury of the federal laws.

DATE: *March 29, 2008*

Shirley V Remmert
Appellant

1387

STATEMENT OF ISSUES

I request that the Appellate Court of the United States District Court consider the following issues on appeal:

Determination of Ownership of Subject Properties

1. Whether the court will stay proceedings pending determination of Case No. CIV 438208, Superior Court of San Mateo County, *Delfin M. Venoya v. Shirley V. Remmert; Julia C. Venoya* and my appeals;
2. Whether the court will stay any catastrophic losses imposed on me by order of the Superior Court or by foreclosure sale, such as removal from or demolition of my home.
3. Whether the court will provide an automatic stay of foreclosure.
4. Whether my appeal of a decision unfavorable to me or unjust in Case No. CIV 438208 may be ordered as a certified personal injury case or adversarial complaint for trial seeking damages in the U. S. District Court under 28 U.S.C. sec. 157(b)(5).

Issues in Adversarial Complaint

5. Whether adversaries have driven my family members, family business, and me to poverty through fraud, criminal activities, or other means.
6. Whether adversaries illegally arranged to have my business partners forcibly drugged in a county conservatorship in which they were physically, mentally abused, and isolated.
7. Whether such abuse constitutes a denial of our constitutional rights under FRAP 44 and 42 U.S.C. sec. 1983 , as we are excluded from pre-trial; discovery proceedings in

1 Case No. CIV 438208 because of the Probate Court conservatorship and restraining
2 orders prohibiting my contact with them.

3 8. Whether such abuse constitutes a denial of our constitutional rights under the said
4 codes, as we are excluded from all proceedings in the bankruptcy and appeals cases.

5 9. Whether a pattern of foul play against us warrants a federal criminal investigation
6 by a grand jury.

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9 Immediate Release of Business Partners as a Matter of Law

10 10. Whether the court will determine that my business partners release and my being
11 freed from restraining orders through injunctions of Probate Court orders are a condition
12 precedent to any adjudication of this appeal.

13 11. Whether the court will stay its proceedings pending the restoration of our full civil
14 rights through motions for injunction of the Probate Court orders (pending filing in a U.
15 S. District Court).

16 12. Once freed of alleged false imprisonment and restraining orders, whether the court
17 will stay its proceedings pending a reasonable length of time needed to correct emotional
18 and financial harm done by three years of institutionalization and intentional abuse by
19 adversaries toward my business partners. The abuse is concurrent with the filing of Case
20 No. CIV 438208 and with the suppression of our rights to litigate in that case.

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23 Offset to Lenders' Claims

24 13. Whether adversary-lender Washington Mutual Bank in 1998 willfully neglected to
25 disclose by letter that a proposed loan, later approved, was originally subject to
26 investigation because of a title dispute.
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2 14. Whether Washington Mutual Bank and successor lenders owe me a discharge of
3 the debt minus cash-out payments plus a refund of interest under the doctrine of unjust
4 enrichment.
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6 Bankruptcy Proceeding under the Chapter 11 Plan

7 15. If bankruptcy proceeding ultimately becomes necessary, whether the court will
8 order the bankruptcy court to permit a Chapter 11 filing for the purpose of my
9 restructuring my business and paying back the debts.
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THE RECORD ON APPEAL

Document

Filed

In Re Shirley Venoya Remmert
Bankruptcy filing under Chapter 13
Case No. 07-31336-TEC13
Hon. Thomas E. Carlson

October 15, 2007

(Hearing for November 5, 2007)

Notice...Motion for Order Terminating Automatic Stay

[Proposed] Order for Relief from Automatic Stay

Certificate of Service

October 17, 2007

By Attorney Irvin W. Fegley for Petitioner Delfin M. Venoya

ORDER to File Required Documents and Notice re
Automatic Dismissal.....

October 24, 2007

(Hearing for November 5, 2007)

Response to Contested Matter...Re Motion for Order
Terminating Stay.....

October 26, 2007

By S. V. Remmert

<u>Document</u>	<u>Filed</u>
(Status Conference, January 24, 2008)	
Summons and Notice of Status Conference in an Adversary Proceeding.....	October 26, 2007
Complaint Initiating Adversary Proceedings, Case No. 07-3121....	October 26, 2007
Memorandum of Points and Authorities in Support of Complaint...	October 26, 2007
Re Adversary Proceeding 07-3121/ Motion for Certification to the U. S. District Court that Claim Requires Trial in said court [28 U.S.C. sec. 157(b)(5)].....	October 26, 2007
Affidavit in Support of Adversarial Complaint.....	October 26, 2007
By S. V. Remmert	
<hr/> (November 5, 2007 hearing)	
ORDER for Relief from Automatic Stay.....	November 5, 2007
<hr/> (January 9, 2008 hearing for confirmation)	
Objection to Confirmation with a Motion to Dismiss.....	November 5, 2007
<hr/> Motion for Additional time to file Chapter 13 Plan or Order to Excuse Filing/ Memorandum/ Proposed Order - Under Submission To the Court	
Received November 13, 2007	
By S. V. Remmert	
<hr/> (Hearing for January 9, 2008)	
Opposition to Trustee's Motion for Dismissal.....	November 13, 2007
By S. V. Remmert	

<u>Document</u>	<u>Filed</u>
(Hearing for January 7, 2008)	
Motion and Notice of Motion for Relief from Judgment.....	November 15, 2007
Notice and Opportunity for Hearing.....	November 15, 2008
Memorandum in Support of a Motion for Relief from.....	November 15, 2007
Exhibits A ~ Z Revised 10-25-07 ... Verification.....	November 15, 2007
Proof of Service.....	November 15, 2007
By S.V. Remmert	

(Hearing for January 9, 2008)	
First Amended Objection to Confirmation with a Motion To Dismiss.....	December 4, 2007
By David Burchard, Trustee	

(Status Conference, January 24, 2008)	
Exhibits A ~ Z Revised November 1, 2007/ Affidavit.....	December 7, 2007
By S. V. Remmert	

(Hearing for January 9, 2008, not held)	
ORDER Setting Deadline to File Chapter 13 Plan.....	December 13, 2007

(Hearing for January 9, 2008)	
Supplement to Opposition to Trustee's Motion for dismissal.....	December 14, 2007
By S. V. Remmert	

<u>Document</u>	<u>Filed</u>
(Hearing for January 7, 2008)	
Request for Protection of Witnesses Eva Al-Zaghari and her Minor Son (Re TRO motion)/ Memorandum of Points and Authorities/ Verification/ Proposed Order.....	December 17, 2007
Ex parte Motion/ Request that Indispensable Party (Falsely Imprisoned) by San Mateo County Appear in Ex Parte Court.....	December 17, 2007
Proof of Service of Pleadings for TRO and Related Matters....	December 17, 2007
Motion and Notice of Motion for TRO/ Memorandum of Points and Authorities/ Declaration/ Attachments/ Proposed Order.....	December 17, 2007
By S. V. Remmert	
<hr/>	
(Hearing for January 7, 2008)	
Response to: (1) Motion for TRO, (2) Ex Parte motion and (3) Request for Protection of Witnesses.....	December 26, 2007
By Attorney Irvin W. Fegley for Delfin M. Venoya	
<hr/>	
(Hearing for January 9, 2008)	
Response to Motion and Notice of Motion for Relief From Judgment.....	December 26, 2007
By Attorney Irvin W. Fegley for Delfin M. Venoya	
<hr/>	
(Hearing for January 9, 2008)	
Amended Proof of Service.....	January 2, 2008
By S. V. Remmert	

Document**Filed**

(Status Conference, January 24, 2008)

Proof of Service by Server Robin K. Vaka/
Certificate of Service..... January 2, 2008

Proof of Service of Summons, Complaint, etc. by Server
Arturo Garcia/ Certificate of Service..... January 2, 2008

Server Robin Vaka's Declaration of Due Diligence in Serving
Summons, Complaint, etc. upon Defendants Hisham M.
Al-Zaghari and Sumaya Al-Zaghari..... January 2, 2008

Proof of Service of Summons and Complaint, etc. on
Defendant Dolores Paguirigan/ Certificate of Service..... January 2, 2008

By S. V. Remmert

ORDER (1) Denying Plaintiff's (a) Motion for Temporary
Restraining Order, (b) Motion to Compel Eva Al-Zaghari
To Appear, and (c) request for Protection of Eva Al-Z and
Her minor Son, and (2) Vacating January 7, 2008 hearing..... January 4, 2008

ORDER (1) Denying Debtor's Motion for Relief from Judgment
And (2) Vacating January 7, 2008 hearing..... January 4, 2008

*"Notice of Chapter 11 Conversion and Notice of Election
To be Considered a Small Business" (Clerk would not accept
for Filing on January 4, 2008, because I was unable to pay fees.)*

Document

Filed

(Hearing for January 9, 2008, not held)

Motion and Notice of Motion for Relief from Judgment
(Of 12-13-07 Order)

Under Submission by the Court..... January 7, 2008

Notice and Opportunity for Hearing re
Motion for Relief from Judgment/ Order of 12-13-07..... January 7, 2008
Proposed Order..... January 7, 2008

Memorandum of Points and Authorities..... January 7, 2008
Proof of Service..... January 7, 2008

By S. V. Remmert

(Status Conference, January 24, 2008)

Reply to Defendant D. M. Venoya's Answer to A/P Complaint/
Memorandum of Points and Authorities/ Affidavit..... January 7, 2008

By S. V. Remmert

(Status Conference, January 24, 2008)

Answer to Remmert's Complaint Initiating Adversary
Proceedings.....

Document **Filed**

Application for Suspension of Payment of Conversion-Filing Fee
Pending Restoration of my Rental Income/ Memorandum of Points
And Authorities/ Declaration/ Proposed Order..... January 9, 2008

Under Submission

Application to File Motion for Conversion Pending Restoration of
Enjoined Rental Income/ Declaration/ Exhibit of Proposed Motion
For Conversion/ Proposed Order..... January 9, 2008

Under Submission

Proof of Service of Documents re Suspension of
Conversion-Filing Fee.....January 9, 2008

By S. V. Remmert

ORDER Dismissing Chapter 13 Case (Debtor
Having failed to make plan payments.....January 10, 2008

(Status Conference, January 24, 2008)

Proof of Service upon Hisham M. Al-Zaghari and
Sumaya Al-Zaghari/ Certificate of Service..... January 18, 2008

ORDER Dismissing Action (Adversarial Proceeding No.:
07-3121..... January 22, 2008

Proof of Service of BDR Program Information..... January 23, 2008

By S. V. Remmert

Document

Filed

Notice of Appeal of Order from Bankruptcy Court re
Denied Relief for Business Partner

Motion for Stay of Foreclosure of Properties Accompanies
Notice

By S. V. Remmert

Received February 1, 2008

Debtor's Notice of Appeal of Order from Bankruptcy Court
Re Dismissal of Case for Failure to Submit Payment Plan

Motion for Stay of Foreclosure of Properties was filed in
Related Appeal.

By S. V. Remmert

Received February 1, 2008

(Status Conference, June 17, 2008)

Notice of Filing of Bankruptcy Appeal and **ORDER** Setting

Status Conference..... March 5, 2008

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MAR - 5 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
IN THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF CALIFORNIA

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE SHIRLEY V. REMMERT,

Plaintiff,

v.

Defendant.

No. C-08-01404 CW

NOTICE OF FILING OF BANKRUPTCY
APPEAL AND ORDER SETTING STATUS
CONFERENCE

RE:

Bankruptcy Case: 07-31366-TEC13

Adversary No.: 07-3121

BAP No.:

Appellant:

The appeal has been assigned the following case number C-08-01404 CW before the Honorable Claudia Wilken.

Upon the completion by parties of the perfection of the record pursuant to BR 8006 and 8007, the Bankruptcy Court will transmit a copy of the record on appeal to this court for docketing and issuance of a briefing schedule.

This matter is calendared for status conference on 6/17/2008 at in Courtroom 2, Oakland.

This date will stand vacated upon the filing in this Court of the record on appeal, at which time a briefing schedule will issue.

Dated: Mar 12, 2008

For the Court
Richard W. Wieking, Clerk

MS

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4

5 IN RE SHIRLEY REMMERT,
6 Debtor

No. 08-01404 CW
B.C. No. 07-31336 TEC13
ADV. No. 07-3121

8 _____/ ORDER
9

10 On March 5, 2008, Debtor Shirley Venoya Remmert filed a
11 Debtor's Notice of Appeal of Order from Bankruptcy Court Re
12 Dismissal of Case for Failure to Submit Payment Plan. A notice of
13 appeal of a bankruptcy decision is filed in the Bankruptcy Court.
14 Accordingly,

15 IT IS HEREBY ORDERED that the Clerk shall forward to the
16 Bankruptcy Court in San Francisco Debtor's Notice of Appeal of
17 Order from Bankruptcy Court Re Dismissal of Case for Failure to
18 Submit Payment Plan and Application to Proceed In Forma Pauperis.
19 The status conference previously set in this Court for June 17,
20 2008 is vacated. The Clerk shall close the file.
21

22 3/20/08

Claudia Wilken

23
24 Dated _____

25 CLAUDIA WILKEN
26 United States District Judge
27
28

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APR 21 2008

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: Shirley Benoya Remmert

Case Number: 07-31336 TC

Chapter: 13

Debtor(s) /

BAP Number: TBA

CERTIFICATE OF RECORD

The undersigned Deputy Clerk of the U. S. Bankruptcy Court, San Francisco Division, hereby certifies pursuant to Local Rule 4(a) of the Rules of the U. S. Bankruptcy Appellate Panel of the Ninth Circuit that the designated record is in the U. S. Bankruptcy Court's file and will be transmitted upon request from the Clerk of the Bankruptcy Appellate Panel.

Date: 4/21/08

United States Bankruptcy Court

ANNA CHO-WONG

By:

Deputy Clerk, Anna Cho-Wong

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIADistrict Court
C-08-01404CWGloria L. Franklin
Clerk of CourtSan Francisco Bankruptcy Court
235 Pine St.
P.O. Box 7341
San Francisco, CA 94120-7341

(415) 268-2300

United States Bankruptcy
Appellate of Panel of the
Ninth Circuit
125 South Grand Avenue
Pasadena, CA 91105

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MAY 12 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAP No. TBA

FILED

APR 21 2008

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CARECEIVED
Harold S. Marcus, Clerk
U.S. BKCY. APPEL. PANEL
OF THE NINTH CIRCUIT

APR 23 2008

Re: Shirley Venoya Remmert

07-31336 TC

FILED _____
DOCKETED _____
DATE INITIAL

[] Enclosed please find a conformed copy of the notice of appeal, election to district court document, appellant designation, appellee designation, statement of issues, designated items to form the record on appeal, a certified copy of the docket and order being appealed for assignment to a district court judge.

[] Enclosed please find the notice of appeal, certified copy of the docket and order being appealed and related papers from BAP and designated items to form the record on appeal for assignment to a district court judge.

[X] Enclosed please find the Appellants' Designation of Record and Statement of Issues and a Certificate of Record for an appeal that has been previously sent to the BAP.

[] Enclosed please find a Bankruptcy Judge's Recommendation that Appeal Be Dismissed and the Notice of Appeal and associated documents filed with the Bankruptcy Court.

Gloria L. Franklin, Clerk
United States Bankruptcy Court

Dated: April 21, 2008

By: ANNA CHO-WONG
Deputy Clerk, Anna Cho-Wong